UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,685	03/30/2001	Basuki Afandi Sugiarto	M-10974 US	9230

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EXAMINER
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ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/822,685	SUGIARTO ET AL.
	Examiner	Art Unit	
	Asad M Nawaz	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 November 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>30 March 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to amendment received on November 3rd, 2004.

Claims 6-8 and 22 have been amended to overcome minor informalities. Claims 1-24

are pending.

2.   Acknowledgment is made of the newly amended title.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-13 and 19-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hunter (US PGPUB 20030133692) further in view of Cochran (US

Patent 5768581).

As to claim 1, Hunter teaches a system for downloading at least one multimedia

content file to a plurality of user computers via a communication network, the system

comprising: (Abstract, 0013, 0019)

a) a processor coupled to the communication network, the processor being

configured to process a plurality of purchase requests from a plurality of user computers

from the network, each purchase request comprising a request to download at least one

multimedia content file to a user computer at a user-selected time with a user-selected

price; (0013, 0018, 0019, 0033, 0057)

b) a storage device coupled to the processor, the storage device being

configured to store at least one multimedia content file; (0033,0056)

c) and at least one timer coupled to the processor, wherein the processor is

configured to use the timer to download at least one multimedia content file to a user

computer at a user-selected time in response to a purchase request from the user

computer. (0046, 0065, 0084)

With respect to the specific limitation "*each* purchase request comprising a

request to download ... at a user-selected time with a user-selected price", Hunter does

not explicitly indicate a multimedia file being associated with a user-selected time and a

user-selected price for each purchase request.

Cochran does teach a searching method in which a consumer can

simultaneously select multiple indices such as prices and times. (col 2, 26-29; col 4, 15-

25)

With respect to claim 1, it would have been obvious to a person of ordinary skill

in the art at the time the invention was made to incorporate the teachings of Cochran

into those of Hunter to make the system more efficient search of the file database and

to make searching/requesting more accurate and user-friendly. (Cochran Abstract)

Claim 23 is rejected on the same grounds as claim 1 for being a system

performing essentially the same task.

As to claim 2, it would have been obvious to one of ordinary skill in the art at the time the invention was made to appreciate the size of multimedia files and especially movies to be over 100 megabytes in size as taught by Hunter. Furthermore, Hunter teaches multimedia files being in compressed and uncompressed modes.

As to claim 3, Hunter teaches the system of claim 1, wherein at least one multimedia content file comprises a motion picture. (Abstract, 0013)

As to claim 4, Hunter teaches the system of claim 1, wherein at least one multimedia content file comprises a music compilation. (0105)

As to claim 5, it would have been obvious to one of ordinary skill in the art at the time the invention was made to appreciate at least one multimedia file comprising a game given the size, video, and audio capabilities of multimedia files that have been taught by Hunter.

As to claim 6, Hunter teaches a system of claim 1, wherein the system is configured to provide access to a user computer of a list from the processor, the list comprising: (0064, 0083)

a plurality of titles of multimedia content files stored in the storage device; (0050, 0083)

and at least a first user-selectable time and a second user-selectable time for downloading a multimedia content file from the storage device to a user computer, the first user-selectable time corresponding to a time when network bandwidth usage is most likely high, the second user-selectable time corresponding to a time when network bandwidth usage is most likely low, wherein the first user-selectable price is greater

than the second user-selectable price. (0050, 0047, 0039, 0033, 0086, 0093, 0099, 0102)

With respect to the limitation, "the first user-selectable time being associated with a first user-selectable price" and "the second user-selectable time being associated with a second user-selectable price", although Hunter does teach that content providers can change pricing at any time to optimize price vs. consumer demand and that content providers can offer pricing specials or incentives, Hunter does not explicitly indicate a user-selected time being associated with a user-selected price. (0014, 0015)

Cochran, however, teaches a searching method in which a consumer can simultaneously select multiple indices such as prices and times. (col 2, 26-29; col 4, 15-25)

With respect to claim 6, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Cochran into those of Hunter to make the system more efficient search of the file database and to make searching/requesting more accurate and user-friendly.(Cochran Abstract)

As to claim 7, Hunter teaches a system of claim 6, wherein the first user-selected time is between about 8:00 AM and about 9:00 PM. (0093, 0099, 0102)

As to claim 8, Hunter teaches a system of claim 6, wherein the second user-selected time is between about 1:00 AM and about 7:00 AM. (0086)

As to claim 9, Hunter teaches a system of claim 1, wherein the processor is further configured to send offers periodically to a plurality of user computers, each offer comprising a title of at least one multimedia content file stored in the storage device and

a plurality of user-selectable times for downloading the content file, each user-selected

time being associated with a different price. (0033, 0083)

As to claim 10, Hunter teaches a system of claim 1, wherein the processor is

further configured to send offers to a plurality of user computers, each offer comprising

a title of at least one new multimedia content file stored in the storage device and a

plurality of user-selectable times for downloading the content file, each user-selected

time being associated with a different price. (0033, 0083)

As to claim 11, Hunter teaches a system of claim 1, wherein at least one user

computer comprises a wireless modem configured to communicate wirelessly with a

mobile switching office, the mobile switching office being configured to communicate

with the processor. (0013, 0017, 0039)

As to claim 12, Hunter teaches a system of claim 1, wherein the communication

network comprises at least one wireless communication portion. (0013, 0017, 0039)

As to claim 13, Hunter teaches a system of claim 1, wherein the processor is

configured to monitor a level of bandwidth usage of the network and adjust a scheduled

download time to a time when bandwidth usage is below a pre-determined level. (0041,

0042, 0086)

As to claim 19, Hunter teaches a method of downloading at least one multimedia

content file to a plurality of user computers via a communication network, the method

comprising: (abstract, 013, 0019)

a) receiving a purchase request from a user computer via the network, the

purchase request comprising a request to download at least one multimedia content file

stored in a storage device to the user computer at a user-selected time with a user-selected price;(0014, 0047, 0055, 0083, 0097)

b) and downloading the requested multimedia content file to the user computer at the user-selected time in response to the purchase request from the user computer. (0097)

With respect to the specific limitation "a purchase request comprising a request to download ... at a user-selected time with a user-selected price", Hunter does not explicitly indicate a multimedia file being associated with a user-selected time and a user-selected price for each purchase request.

Cochran does teach a searching method in which a consumer can simultaneously select multiple indices such as prices and times. (col 2, 26-29; col 4, 15-25)

With respect to claim 19, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Cochran into those of Hunter to make the system more efficient search of the file database and to make searching/requesting more accurate and user-friendly. (Cochran Abstract)

As to claim 20, Hunter teaches a method of claim 19, further comprising charging the purchase price to a financial account associated with the user. (0018, 0064, 0069)

As to claim 21, Hunter teaches a method of claim 19, further comprising determining whether a user is authorized to purchase a content file. (0060-0068)

As to claim 22, Hunter teaches a method of claim 19, further comprising providing a list to the user computer, the list comprising: (0083)

a) a plurality of titles of multimedia content files stored in the storage

device;(0083)

b) and at least a first user-selectable time and a second user-selectable time for

downloading a multimedia content file from the storage device to a user computer, the

first user-selectable time corresponding to a time when network bandwidth usage is

most likely high, the second user-selectable time corresponding to a time when network

bandwidth usage is most likely low, the first user-selectable time being associated with

a first user-selectable price, and the second user-selectable time being associated with

a second user-selectable price, wherein the first user-selectable price is greater than

the second user-selectable price. (0050, 0047, 0039, 0033, 0086, 0093, 0099, 0102)

With respect to the limitation, "the first user-selectable time being associated with

a first user-selectable price" and "the second user-selectable time being associated with

a second user-selectable price", although Hunter does teach that content providers can

change pricing at any time to optimize price vs. consumer demand and that content

providers can offer pricing specials or incentives, Hunter does not explicitly indicate a

user-selected time being associated with a user-selected price. (0014, 0015)

Cochran, however, teaches a searching method in which a consumer can

simultaneously select multiple indices such as prices and times. (col 2, 26-29; col 4, 15-

25)

With respect to claim 22, it would have been obvious to a person of ordinary skill

in the art at the time the invention was made to incorporate the teachings of Cochran

into those of Hunter to make the system more efficient search of the file database and

to make searching/requesting more accurate and user-friendly.(Cochran Abstract)

As to claim 24, Hunter teaches a method of downloading at least one multimedia

content file to a plurality of user computers via a communication network, the method

comprising: (abstract, 0013, 0019)

a) receiving a purchase request from a user computer via the network, the

purchase request comprising a request to download at least one multimedia content file

stored in a storing means to the user computer at a user-selected time with a user-

selected price;(0014, 0047, 0055, 0083, 0097)

b) and downloading the requested multimedia content file to the user computer at

the user-selected time in response to the purchase request from the user computer.

(0097)

With respect to the specific limitation "a purchase request comprising a request

to download ... at a user-selected time with a user-selected price", Hunter does not

explicitly indicate a multimedia file being associated with a user-selected time and a

user-selected price for each purchase request.

Cochran does teach a searching method in which a consumer can

simultaneously select multiple indices such as prices and times. (col 2, 26-29; col 4, 15-

25)

With respect to claim 24, it would have been obvious to a person of ordinary skill

in the art at the time the invention was made to incorporate the teachings of Cochran

into those of Hunter to make the system more efficient search of the file database and

to make searching/requesting more accurate and user-friendly. (Cochran Abstract)

5.   Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hunter (US PGPUB 20030133692).

    As to claim 17, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to appreciate at least one multimedia file comprising a

game to increase the target consumer group and make the system more versatile.

Similar systems, as are known in the art, are capable of supporting different multimedia

files such as games. The system would be also more versatile to include games as a

supported multimedia file in the instant application given the size, video, and audio

capabilities of multimedia files that have been taught by Hunter.

    As to claim 18, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to appreciate the size of multimedia files and especially

movies to be over 100 megabytes in size as the multimedia files taught by Hunter. As is

known in the art, a full-length motion picture can far exceed 100 megabytes.

Furthermore, Hunter teaches multimedia files being in compressed and uncompressed

modes. The compression of files that exhibit excessive size helps maintain system

efficiency and allows resources to be used in a more productive manner.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunter

(US PGPUB 20030133692).

As to claim 14, Hunter teaches a system for downloading at least one multimedia

content file to a plurality of user computers via a communication network, the system

comprising: (Abstract, 0013, 0019)

a) a processor coupled to the communication network, the processor being

configured to process a plurality of purchase requests from a plurality of user computers

from the network, each purchase request comprising a request to download at least one

multimedia content file to a user computer at a user-selected time; (0013, 0018, 0019,

0033, 0057)

b) a storage device coupled to the processor, the storage device being

configured to store at least one multimedia content file; (0033,0056)

c) and at least one timer coupled to the processor, wherein the processor is

configured to use the timer to download at least one multimedia content file to a user

computer at a user-selected time in response to a purchase request from the user

computer. . (0046, 0065, 0084)

As to claim 15, Hunter teaches a system of claim 14, wherein at least one

multimedia content file comprises a motion picture. (Abstract, 0013)

As to claim 16, Hunter teaches a system of claim 14, wherein at least one

multimedia content file comprises a music compilation. (0105)

Response to Argument

7.   Applicant's arguments filed have been fully considered but they are not

persuasive.

In the remarks, the applicant argues in substance that: A) Hunter does not

transmit multi-media based on any user-selections of time or any user-selected price; B)

Hunter does not teach a system in which a processor processes purchase request that

request the processor to download a content file to the user at a user-selected time; C)

Hunter does not teach a system in which a processor processes purchase request that

request the processor to download a content file to the user at a user-selected price.

In response to A) Hunter discloses a video distribution system that transmits

multi-media such as movies to paying customers at the customer's preferred

timing/pricing constraints. More specifically, Hunter "provides the ability to update

movie pricing at any time, for example on a daily, weekly, or monthly bases, so that the

customer's can choose to view movies at times content providers offer pricing specials

or incentives" (see paragraph [0014]). Because the instant application as claimed does

not explicitly indicate how the user is selecting the time/price, Hunter meets the scope of

the claimed limitation " transmitting multi-media based on any user-selections of time or any user-selected price".

In response to B) Hunter discloses a video distribution system that transmits multi-media such as movies to paying customers at the customer's preferred timing constraints. More specifically, Hunter "provides the ability to update movie pricing at any time, for example on a daily, weekly, or monthly bases, so that the customer's can choose to view movies at times content providers offer pricing specials or incentives" (see paragraph [0014]). Furthermore, Hunter discloses Tier 1 movies being broadcast at intervals of 15 minutes, the consumer may select at what time he/she would like to receive the movie for viewing. (see paragraph [102]) Because the instant application as claimed does not explicitly indicate how the user is selecting the time, Hunter meets the scope of the claimed limitation " a processor processing purchase request that request the processor to download a content file to the user at a user-selected time".

In response to C) Hunter discloses a video distribution system that transmits multi-media such as movies to paying customers at the customer's preferred pricing constraints. More specifically, Hunter "provides the ability to update movie pricing at any time, for example on a daily, weekly, or monthly bases, so that the customer's can choose to view movies at times content providers offer pricing specials or incentives" (see paragraph [0014]). Because the instant application as claimed does not explicitly indicate how the user is selecting the price, Hunter meets the scope of the claimed limitation " a processor processing purchase request that request the processor to download a content file to the user at a user-selected price".

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Asad M Nawaz whose telephone number is (571) 272-

3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

AMN

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SUPERVISORY PATENT EXAMINER